

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

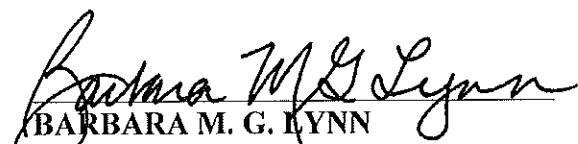
DONALD L. WISE, JR.,)
vs.)
Plaintiff,)
vs.) No. 3:16-CV-1039-M-BH
CHRIS WILMOTH, et al.,)
Defendants.) Referred to U.S. Magistrate Judge

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Defendant Hubener's Motion to Dismiss and Brief in Support, filed May 30, 2016 (doc. 19), is **GRANTED**. By separate judgment, all of the plaintiff's claims against Katy Hubener will be **DISMISSED without prejudice** for lack of subject matter jurisdiction. Alternatively, to the extent that subject matter jurisdiction exists, all of the plaintiff's claims against Katy Hubener will be **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted.

SIGNED this 12th day of December, 2016.


BARBARA M. G. LYNN
CHIEF JUDGE